

REMARKS

No claims are amended. Claims 32-41 were previously withdrawn as being directed toward a non-elected invention. Claim 4 is allowed. Claims 2, 26, 27 and 29 remain in the case for consideration. Allowance of the remaining claims is requested in light of the following remarks.

Allowable Subject Matter

Claim 4 is allowed.

Claim Objections

Claim 29 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 26. It has been stated that "it is proper *after allowing one claim* to object to the other as being [a] substantial *duplicate of the allowed claim*. See MPEP § 706.03(k)" (emphasis added). The applicants submit that the objection to claim 29 is premature because claim 26 has not been allowed. Thus, the objection is overcome.

Claim Rejections – 35 U.S.C. § 103

Claims 2, 26, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,382,983 to Koyama, et al. ("Koyama"). The applicants disagree.

A 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc., depending on the type of prior art reference used and its publication or issue date. MPEP 2141.01.

The publication date of the Koyama reference does not precede the filing date of the application, thus Koyama does not qualify as prior art under 35 USC 102(b) or 102(a). MPEP 706.02(a). The Koyama patent is prior art under 35 U.S.C. 102(e) as of its U.S. filing date, or March 21, 2001, which precedes the present application's filing date of October 16, 2001. MPEP 2136. Koyama's foreign priority date, March 22, 2000, cannot be used to antedate the application filing date. MPEP 2136.03. In contrast, the applicant can overcome Koyama's 35 U.S.C. 102(e) date by proving that he is entitled to his own 35 U.S.C. § 119 priority date which is earlier than the reference's U.S. filing date. MPEP 2136.03. The applicant has claimed priority to Korean Patent Application No. 00-60705, filed on October 16, 2000, which precedes Koyama's U.S. filing date of March 21, 2001.

A certified copy of the Korean foreign priority document has been made of record in this case. In order to perfect the claim of foreign priority, an English translation of the

foreign priority document is hereby submitted. MPEP 201.15. The English translation is accompanied by a statement that declares the translation is accurate. MPEP 201.15.

Consequently, the applicant submits that the Koyama reference's 35 U.S.C. 102(e) priority date of March 21, 2001 is effectively preceded by the applicant's own foreign priority date of October 16, 2000. Thus, Koyama is removed as 35 U.S.C. 102(e) prior art. MPEP 706.02(b).

Furthermore, the applicant submits that Koyama does not qualify as 102(c), 102(d), 102(f), or 102(g) prior art. Consequently, the Koyama reference may not properly be used in a 35 U.S.C. 103 rejection. MPEP 2141.01.

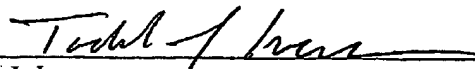
For the above reason, the rejection of claims 2, 26, 27 and 29 under 35 USC 103(a) as being unpatentable over Koyama is hereby overcome. MPEP 2141.01.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 2, 4, 26, 27 and 29 is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


Todd J. Iverson
Reg. No. 53,057

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613
Customer No. 20575

I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
Trademark Office via facsimile number
(703) 872-9306 on May 24, 2005.


Stormi R. Davis